

Governor Warner's
proposed amendments
to the enrolled budget bill
(House Bill 1400)



March 25, 2003

Governor's Reconvened Session Budget Amendments

Amendment # 1

Item 48

Executive Offices

FY 02 - 03

FY 03 - 04

Lieutenant Governor

\$0

\$50,000 GF

0.00

1.00 FTE

Language:

Page 36, line 29, strike "\$301,232" and insert "\$351,232".

Page 36, strike lines 47 and 48.

Explanation:

(This amendment restores \$50,000 and one position in the second year. With this amendment, the reduction to the Lieutenant Governor's Office is 16.9 percent the first year and 27.7 percent the second year, which also reflects the elimination of the annual \$58,000 transfer in Item 1, paragraph D, of the enrolled budget. Without this amendment, the budget for the office would be lower than the budget for the three most recent incumbents. The Lieutenant Governor eliminated one position and related dollars as part of the October budget reduction, eliminated his allowance of \$16,200 for unreimbursed expenses, and reduced expenses for support costs including travel and temporary office help.)

Governor's Reconvened Session Budget Amendments

Amendment # 2

Item 49

Executive Offices

FY 02 - 03

FY 03 - 04

Attorney General And Department Of
Law

\$200,000

(\$200,000) GF

Language:

Page 37, line 9, strike "\$21,949,927" and insert "\$22,149,927"

Page 37, line 9, strike "\$21,893,433" and insert "\$21,693,433"

Page 37, line 32, after "C." insert "1."

Page 37, after line 40, insert,

"2. Out of the amounts for State Agency/Local Legal Assistance and Advice, \$200,000 from the general fund in the first year is provided to fund any necessary costs associated with the implementation of the civil commitment of sexually violent predator program not budgeted elsewhere in this act. If the Governor determines by June 1, 2003, that all or a portion of these funds are not needed, then these funds shall revert to the original purpose of the State Agency/Local Legal Assistance and Advice program."

Explanation:

(This amendment moves \$200,000 from the second year to the first year to provide contingent resources to fund a portion of the cost of the civil commitment of sexually violent predators program in the Commonwealth. In the event that such funds are not required, they would revert to their original purpose.)

Governor's Reconvened Session Budget Amendments

Amendment # 3

Item 54

Executive Offices

Secretary Of The Commonwealth

Language

Language:

Page 40, line 11, strike "July 1" and insert "May 1".

Explanation:

(This amendment directs the Office of the Secretary of the Commonwealth to implement an increase in the Service of Process fee on May 1, 2003. The General Assembly approved an increase in this fee from \$19 to \$28 effective July 1, 2003. Collections from this fee are deposited to the general fund. The additional FY 2003 revenue from this amendment is estimated at \$168,000.)

Amendment # 4

Item 56

Executive Offices

FY 02 - 03

FY 03 - 04

Virginia Liaison Office

\$0

\$159,599 GF

\$0

\$134,753 NGF

0.00

3.00 FTE

Language:

Page 40, line 33, strike "0" insert "\$294,352".

Page 40, strike lines 42 to 46.

Explanation:

(This amendment restores the appropriation for the Virginia Liaison Office (VLO). The VLO provides on-going, on-site monitoring of federal legislation and coordinates contacts between state government and Virginia's congressional delegation. A recent survey of other states indicates that states are increasing their presence in Washington, D.C. With the re-authorization of TANF and transportation bills pending, on-going debate about the allocation of Homeland Security funding, and another round of military base closings on the horizon, losing the presence of the Virginia Liaison Office would place Virginia at a competitive disadvantage with other states.)

Governor's Reconvened Session Budget Amendments

Amendment # 5

Item 66

Administration

FY 02 - 03

FY 03 - 04

Compensation Board

\$0

\$460,000 GF

Language:

Page 58, line 48, strike "\$37,013,370" and insert "\$37,473,370".

Page 60, delete lines 52 through 56.

Page 61, delete lines 1 through 4.

Explanation:

(This amendment deletes language added in the enrolled budget that requires the Compensation Board to assess a \$100 fee against a circuit court clerk's reimbursement for each sentencing order not submitted to the Department of Corrections within 30 days of sentencing. The amendment also restores the funding reduction in the enrolled budget that was based on reduced payments to circuit court clerks' offices due to late sentencing orders. Funding reductions of 11 percent each year have impacted staffing in clerks' offices.)

Governor's Reconvened Session Budget Amendments

Amendment # 6

Item 69

Administration

FY 02 - 03

FY 03 - 04

Compensation Board

\$0

\$523,534 GF

Language:

Page 65, line 46, strike "\$20,768,783" and insert "\$21,292,317".

Page 67, strike lines 11 through 16.

Explanation:

(This amendment restores funding and deletes language in the enrolled budget that reduces funding to treasurers in eight localities. Of the one million tax returns filed with local constitutional officers, one-third are filed in the offices affected by the reduction included in the adopted budget. Eliminating this local service could delay processing of income tax returns, since returns filed directly with the state would increase the Department of Taxation's processing volume by about 10 percent and require the Department of Taxation to handle telephone inquiries related to income tax filings in these localities.)

Governor's Reconvened Session Budget Amendments

Amendment # 7

Item 70

Administration

FY 02 - 03

FY 03 - 04

Compensation Board

\$0

\$594,943 GF

Language:

Page 67, line 18, strike "\$15,094,946" and insert "\$15,689,889".

Page 67, strike lines 52 through 54.

Page 68, strike lines 1 through 4.

Explanation:

(This amendment restores funding and deletes language in the enrolled budget that reduces funding to commissioners of the revenue in eight localities. Of the one million tax returns filed with local constitutional officers, one-third are filed in the offices affected by the reduction included in the adopted budget. Eliminating this local service could delay processing of income tax returns, since returns filed directly with the state would increase the Department of Taxation's processing volume by about 10 percent and require the Department of Taxation to handle telephone inquiries related to income tax filings in these localities.)

Amendment # 8

Item 91

Administration

FY 02 - 03

FY 03 - 04

Human Rights Council

\$0

\$55,000 GF

Language:

Page 80, line 39, strike "\$239,363" and insert "\$294,363".

Explanation:

(This amendment provides the additional general fund support required to pay the salaries and fringe benefits of the Human Rights Council's three positions, the severance costs for two employees that will be terminated, and necessary nonpersonal services support costs. This agency was re-established as a free-standing entity in the enrolled bill, but was provided insufficient funds to maintain a minimum staffing level of three positions.)

Governor's Reconvened Session Budget Amendments

Amendment # 9

Item 101

Commerce and Trade	FY 02 - 03	FY 03 - 04	
Department Of Agriculture And Consumer Services	\$0	\$49,900	GF

Language:

Page 93, line 9, strike "4,289,709" and insert "4,339,609".

Explanation:

(This amendment restores \$49,900 in the second year from the general fund for the coyote control program. This action restores the program to funding levels in Chapter 899 for FY 2004, prior to any budget reductions.)

Amendment # 10

Item 112

Commerce and Trade	FY 02 - 03	FY 03 - 04	
Department Of Housing And Community Development	\$0	\$270,000	GF

Language:

Page 104, line 12, strike "\$41,296,393" and insert "41,566,393".

Explanation:

(This amendment restores funding for the Virginia Enterprise Initiative program. The program typically provides \$70,000 annual grants to non-profit organizations across the state. These non-profit organizations use the grants to help leverage federal and private funding (at an eight to one match) to aid disadvantaged persons by providing them with business skills training and by making loans to those individuals to help them develop an entrepreneurial idea into a small business or to help them manage or further develop their existing small business. This restoration allows four program sites to be funded in Abingdon, Lynchburg, Petersburg, and Richmond.)

Governor's Reconvened Session Budget Amendments

Amendment # 11

Item 135

Commerce and Trade

FY 02 - 03

FY 03 - 04

Virginia Tourism Authority

\$0

\$400,000 GF

Language:

Page 121, line 41, strike "\$10,351,258" and insert "\$10,751,258".

Explanation:

(This amendment restores \$400,000 for the Virginia Tourism Authority's core advertising program. The enrolled bill reduced core advertising by \$500,000. This additional funding will promote Virginia's historical and scenic attributes in print, broadcast, and web-based formats. Because of the current downturn in the economy and concerns related to terrorism, strengthening tourism promotion efforts in markets close to Virginia is increasingly important. Market research consistently demonstrates that targeted tourism advertising produces a positive return on investment.)

Governor's Reconvened Session Budget Amendments

Amendment # 12

Item 136

Education

Secretary Of Education

Language

Language:

Page 128, after line 44, insert

"g. In the event that additional appropriation reductions for state-supported colleges and universities are required pursuant to § 4-1.04 of this act subsequent to the enactment of this act, the Governor shall have the authority to exempt institutions of higher education from the five percent limitation included in paragraph E.1.a. above, provided such exemption is communicated in writing to the Chairmen of the House Appropriations and Senate Finance Committees within 10 days of such action."

Explanation:

(This amendment provides the Governor with the authority to lift the five percent tuition cap if additional budget reductions are required for institutions of higher education in the current biennium. Without this flexibility, the institutions of higher education could be forced to implement reductions that could significantly impact the quality of education.)

Governor's Reconvened Session Budget Amendments

Amendment # 13

Item 145

Education: Elementary and Secondary

FY 02 - 03

FY 03 - 04

Direct Aid To Public Education

(\$798,972)

(\$106,402) GF

Language:

Page 139, line 15, strike "\$448,941,349" and insert "\$448,142,377".

Page 139, line 15, strike "\$460,555,939" and insert "\$460,449,537".

Page 140, line 37, strike "\$21,564,720" and insert "\$20,765,748".

Page 140, line 38, strike "\$22,748,771" and insert "\$22,642,369".

Explanation:

(This amendment updates the funding for state operated programs (hospitals, clinics, and detention homes). Two detention centers are not coming on-line this fiscal year as expected (Shenandoah Valley in FY 2004 and Virginia Beach in FY 2005). In addition, the Department of Education has identified some savings from unfilled vacancies in contract teaching positions.)

Amendment # 14

Item 147

Education: Elementary and Secondary

FY 02 - 03

FY 03 - 04

Direct Aid To Public Education

(\$95,517)

\$0 GF

Language:

Page 145, line 34, strike "\$2,665,696,300" and insert "\$2,665,600,783".

Page 167, line 9, strike "\$8,525,677" and insert "\$8,430,160".

Explanation:

(This amendment captures savings in the Algebra Readiness program. The Department of Education has identified eight school divisions that will not participate in the Algebra Readiness program this year: Charles City County, Goochland County, James City County, Louisa County, Richmond County, Covington City, Radford City, and the City of Williamsburg.)

Governor's Reconvened Session Budget Amendments

Amendment # 15

Item 147

Education: Elementary and Secondary

Direct Aid To Public Education

Language

Language:

Page 169, after line 41, insert:

"f. For the purpose of funding the Student Achievement Grants program, the Department of Education is authorized to make payments to local school divisions of up to \$6,821,800 in the second year, using any unobligated general fund balances in Direct Aid to Public Education as of June 30, 2003, and any lottery proceeds revenue that exceeds the official estimate of \$363,691,427 in the first year. These payments shall be distributed to local school divisions in a manner that is consistent with the distribution of funding for the School Health Incentive program and the Technology Support Payments program."

Explanation:

(This amendment provides language that authorizes the Department of Education to use certain balances in the Direct Aid accounts and any increase in revenues from lottery proceeds in FY 2003 to restore the \$6,821,800 to the Student Achievement Grant program reduced in the enrolled budget (the health incentive and technology assistants portion of the funding). The Student Achievement Grant program targets at-risk children by providing local school divisions with increased flexibility in providing existing intervention and remediation services. Additional funds would go to all 136 school divisions, but would be more concentrated in rural localities with low composite indices and in divisions with high concentrations of students from low-income families.)

Governor's Reconvened Session Budget Amendments

Amendment # 16

Item 147

Education: Elementary and Secondary

Direct Aid To Public Education

Language

Language:

Page 169, strike lines 23 through 35.

Page 169, line 36, strike "d." and insert "c.".

Page 169, line 40, strike "e." and insert "d.".

Page 170, strike lines 15 through 18 and insert "e. These funds shall be matched by the local government, based on the".

Explanation:

(This amendment eliminates language that makes the salary increase for teachers and other school employees contingent on revenue generated in the second year. With this action, funding of \$27.5 million general fund for the 2.25 percent salary increase would be provided for all school employees, effective January 1, 2004.)

Governor's Reconvened Session Budget Amendments

Amendment # 17

Item 152

Education: Elementary and Secondary	FY 02 - 03	FY 03 - 04	
Direct Aid To Public Education	\$0	\$300,000	GF

Language:

Page 174, line 51, strike "\$2,700,000" and insert "\$3,000,000"

Page 175, after line 10, insert:

"C. This appropriation includes \$300,000 the second year from the general fund for Jobs for Virginia Graduates."

Explanation:

(This amendment provides state support of \$300,000 in the second year to Jobs for Virginia Graduates. This program identifies students who are most at risk of dropping out of school, ensures graduation, and prepares them for a career. Additionally, it provides classroom instruction and work-based learning opportunities to high school seniors. In 2002, Jobs for Virginia Graduates operated in 16 school divisions throughout Virginia and served about 1,100 students. Participating school divisions are: Arlington, Charlotte, Chesterfield, Craig, Dinwiddie, Fairfax, Gloucester, Grayson, Martinsville, Northampton, Patrick, Petersburg, Prince George, Roanoke, Smyth, and Sussex.)

Governor's Reconvened Session Budget Amendments

Amendment # 18

Item 227

Education: Higher Education

FY 02 - 03

FY 03 - 04

Virginia Commonwealth University

\$0

\$177,154 GF

Language:

Page 224, line 19, strike "\$281,037,756" and insert "\$281,214,910"

Page 225, line 15, strike ", subject" and insert ".".

Page 225, strike line 16.

Page 229, line 50, strike "\$1,392,659" and insert "\$1,215,505"

Page 230, line 1, unstrike "(60,000)"

Page 230, line 2, strike "(237,154)"

Explanation:

(This amendment restores partial funding to the Virginia Labor Center which will allow the Center to continue its work with the Department of Labor and Industry, the Virginia Employment Commission, and various corporate leaders to improve and resolve labor-management relations in the Commonwealth. The Virginia Labor Center was created in 1992 to develop leadership for the improvement of labor-management relations throughout the Commonwealth. The Center works to improve the public perception of labor-management relations and to improve productivity through modern, innovative methods. The Center also works with the labor and management communities, as well as interested organizations and individuals, to plan and administer a variety of outreach and research efforts. It serves as an objective entity to provide advice and counseling to labor and management during changing economic times. The Center helps both sides of the workforce learn to manage relationships, preserve jobs, and improve morale. The enrolled budget eliminated all general fund support for the Center.)

Governor's Reconvened Session Budget Amendments

Amendment # 19

Item 257

Education: Other

Jamestown 2007

Language

Language:

Page 254, line 4, strike "In addition to all other" and insert:

"1. In addition to all other fees required by law, there is imposed a one-dollar annual fee on the registration by the Department of Motor Vehicles of each pickup or panel truck and each motor vehicle, to be charged and collected at the time of registration under subdivisions A1 through A12 of § 46.2-694, Code of Virginia. The Commissioner of Motor Vehicles shall collect this fee as soon as practical after enactment of this act but during the interim he shall continue to collect the voluntary two-dollar registration fee previously authorized by this Item in Chapter 899, 2002 Acts of Assembly.

2. The Commissioner of Motor Vehicles shall cause appropriate language and symbols calling attention to the 400th anniversary of the Jamestown settlement in 2007 to be placed on all standard license plates issued by the Department of Motor Vehicles. In each fiscal year, the funds collected from the one-dollar annual registration fee pursuant to paragraph F.1 of this Item shall be applied first to cover the costs of the Department of Motor Vehicles in administering the commemorative license program. The next \$3,000,000 in funds collected under the provisions of paragraph F.1 of this Item shall be paid to the Virginia 400th Anniversary Fund to support educational programs sponsored or approved by the Jamestown-Yorktown Foundation, community programs, facility operations and other activities related to the planning, promotion and commemoration of the 400th anniversary of Jamestown and Virginia in 2007. Any funds in excess of \$3,000,000 but not greater than \$5,000,000 collected under the provisions of paragraph F.1 of this Item shall be paid as follows: (i) one-half of the excess amount shall be deposited to the Virginia 400th Anniversary Fund to be used for the same purposes specified above for the Fund, and (ii) one-half of the excess amount shall be deposited to the special fund of the Department of Motor Vehicles to assist with the costs of implementing House Bill 1954 and Senate Bill 1058 as enacted by the 2003 Session of the General Assembly. Any funds in excess of \$5,000,000 collected under the provisions of paragraph F.1. of this Item shall be deposited to the Virginia Land Conservation Fund to be distributed pursuant to § 10.1-1020, Code of Virginia, and the provisions of Item 381, Paragraph K, of this act.

Governor's Reconvened Session Budget Amendments

3. The Jamestown-Yorktown Foundation shall prepare an operating plan for the use of any monies paid into the Virginia 400th Anniversary Fund pursuant to the provisions of paragraphs F.1 and F.2 of this Item and receive the Governor's approval of such operating plan prior to the allotment of such monies for expenditure.

4. It is the intent of the General Assembly that the provisions of this Item to support the special license plate program and other activities in commemoration of the 400th anniversary of the Jamestown settlement and Virginia not be continued past January 1, 2008."

Page 254, strike lines 5 through 30.

Explanation:

(This amendment provides that the Commissioner of Motor Vehicles collect the one-dollar additional motor vehicle registration fee authorized in this Item as soon as practical after enactment of this act. The flexibility in the language is needed because there will be a lapse of time before the new fee can be collected and the former voluntary two dollar fee can be discontinued, due to the fact that motor vehicle registrations are mailed to recipients about two months in advance of their renewal date. Accordingly, some time will be needed to clear out the work in process. The amendment also provides that, after the Department of Motor Vehicles recovers its administrative costs for the special license plate program, the first \$3,000,000 from the one-dollar motor vehicle fee shall be deposited to the Virginia 400th Anniversary Fund to support various activities associated with the 2007 anniversary event. Amounts collected over \$3,000,000 but not greater than \$5,000,000 shall be deposited: one half to the Virginia 400th Anniversary Fund and one-half to the Department of Motor Vehicles to cover the implementation costs associated with House Bill 1954 and Senate Bill 1058 of the 2003 Session which require that the Department establish procedures to ascertain the legal presence of applicants for driver's licenses and identification cards. Amounts collected in excess of \$5,000,000 shall be deposited to the Virginia Land Conservation Fund and distributed pursuant to Item 381, Paragraph K. The current forecast projects that the one-dollar fee will produce about \$6 million per year.)

Governor's Reconvened Session Budget Amendments

Amendment # 20

Item 272

Finance

Department Of Accounts

Language

Language:

Page 267, line 17, insert "A." before "The".

Page 267, after line 25, insert:

"B. The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System pursuant to § 23-284, Code of Virginia."

Explanation:

(This amendment clarifies that the Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System which are invested on behalf of the Commonwealth Health Research Board. This amendment is consistent with the provisions of Chapters 591 and 612 of the 2002 Acts of Assembly.)

Amendment # 21

Item 285

Finance

Department Of Taxation

Language

Language:

Page 280, strike lines 33-47.

Page 280, line 48, strike "L." and insert "K."

Explanation:

(This amendment eliminates language restricting the Department of Taxation's ability to store taxpayer information submitted via the iFile system. This language was a companion to HB 2792 during the 2003 Session. HB 2792 was withdrawn by the patron. Without HB 2792, this language is not needed and adversely impacts the processing of individual income tax returns filed electronically via the Department's iFile system.)

Governor's Reconvened Session Budget Amendments

Amendment # 22

Item 285

Finance

Department Of Taxation

Language

Language:

Page 280, strike lines 48-53.

Explanation:

(This amendment strikes language requiring the Department of Taxation's mailing address to be included in instruction booklets and tax forms. Income tax returns are processed by the local commissioners of revenue, unless the local commissioner has delegated this responsibility to the Department of Taxation. Local commissioners and treasurers are compensated for processing the returns and payments. This language would supersede the authority of the local commissioners and treasurers by directing Taxation to solicit income tax returns from all individuals, including those who reside in localities in which the local commissioner of revenue has not delegated the responsibility of processing tax returns to Taxation. As written, the amendment requires tax returns to be mailed to the same post office box that receives revenue deposits, increasing the volume for the post office box up to 2.5 million pieces of mail each year, and likely impacting the ability of the Department to process and deposit revenues.)

Governor's Reconvened Session Budget Amendments

Amendment # 23

Item 290

Finance

FY 02 - 03

FY 03 - 04

Department Of The Treasury

\$0

\$660,000 GF

Language:

Page 283, line 37, strike "\$8,403,237" and insert "\$9,063,237".

Page 284, strike lines 33 through 42 and insert:

"D.1. Out of the amounts appropriated for Insurance Services, there shall be paid for the relief of Marvin Lamont Anderson from the general fund, upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision, (i) the sum of \$200,000 to be paid to Marvin Lamont Anderson on or before August 1, 2003, by check issued by the State Treasurer on warrant of the Comptroller and (ii) the sum of \$460,000 to purchase an annuity for the primary benefit of Marvin Lamont Anderson providing for equal monthly payments, for the remainder of his life commencing on or before September 1, 2003.".

Page 284, line 43, after "2." strike "Any annuity purchased by the State Treasurer" and insert "The State Treasurer shall purchase the annuity".

Page 284, line 44, after "Anderson" strike "shall be".

Page 284, line 47, after "an annuity" strike ", and such annuity" and insert ". Such annuity shall be assignable and".

Explanation:

(This amendment provides an appropriation from the general fund for the claim payment to Marvin Lamont Anderson and clarifies that the annuity be assignable to a beneficiary. Senate Bill 863 directs a \$200,000 payment and another \$460,000 for a lifetime annuity for Marvin Lamont Anderson, but the bill does not appropriate the funding. The enrolled budget bill provided for the payment and annuity to be made from the general fund amounts in the Department of the Treasury's budget for Insurance Services. However, there are no general fund amounts in the Insurance Services program in FY 2004. This amendment appropriates \$200,000 for the lump sum payment and \$460,000 for the purchase of the annuity, consistent with Senate Bill 863.)

Governor's Reconvened Session Budget Amendments

Amendment # 24

Item 290

Finance

FY 02 - 03

FY 03 - 04

Department Of The Treasury

\$0

\$243,300 GF

Language:

Page 283, line 37, strike "\$8,403,237" and insert "\$8,646,537".

Page 284, after line 50, insert:

"E. In order to establish equity in payments to persons wrongly incarcerated and until such time as the General Assembly establishes policies pursuant to the study called for in Item 1, Paragraph I of this act, out of the amounts appropriated for Insurance Services, there shall be paid for the relief of Marvin Lamont Anderson, from the general fund, upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision, an additional sum of \$243,300 to be paid to Marvin Lamont Anderson on or before August 1, 2003, by check issued by the State Treasurer on warrant of the Comptroller."

Explanation:

(This amendment provides additional funding for the claim payment to Marvin Lamont Anderson to provide equity for his wrongful incarceration. Mr. Anderson served 15 years in prison, compared to the 11 years served by Jeffrey D. Cox. In order to reflect the fact that Mr. Anderson served four years longer, this additional funding would be paid to him to provide a claim payment 36.4 percent more than what Jeffrey D. Cox received in 2002. Since there is no standard methodology related to compensation for exonerated persons, and until such time as recommendations are made by the House Appropriations and Senate Finance Committees pursuant to Item 1, paragraph I of this act, this payment would provide equity for Mr. Anderson with the payment made to Jeffrey D. Cox.)

Governor's Reconvened Session Budget Amendments

Amendment # 25

Item 292

Finance

Department Of The Treasury

Language

Language:

Page 287, line 9, after "Comptroller." insert "It is hereby acknowledged that the payment for fiscal year 2003 is \$409,633.".

Explanation:

(This amendment acknowledges that the payment to the federal government for interest earned by the state on federal funds advanced and not immediately disbursed is \$90,367 less than expected. Originally \$500,000 was estimated and reserved in the general fund balance for the payment, but the amount to be paid in FY 2003 is actually \$409,633. Upon the adoption of this amendment, the amount of the reduced obligation will be added to the Additions to Balance in §3 of the second amendment of this act.)

Amendment # 26

Item 293

Finance

FY 02 - 03

FY 03 - 04

Treasury Board

\$0

(\$965,111) GF

Language:

Page 287, line 47, strike "\$3,634,487" and insert "\$2,669,376".

Page 288, line 15, strike "\$1,001,410" and insert \$0".

Explanation:

(This amendment captures additional savings from a bond refunding that has been completed by the Virginia Public Building Authority. An executive amendment approved by the General Assembly has already captured \$2,570,000 in projected savings. The total actual savings generated from the refunding was higher than originally expected. The refunding included the financing of the Commonwealth's share of the costs for the Virginia Peninsula Regional Jail. This amendment will not have any impact on the jail's funding.)

Governor's Reconvened Session Budget Amendments

Amendment # 27

Item 298

Health & Human Resources

Secretary Of Health And Human
Resources

Language

Language:

Page 298, strike lines 21 through 59.

Page 299, strike lines 1 through 5.

Page 299, line 6, strike "I." and insert "H."

Page 299, line 17, strike "J." and insert "I."

Explanation:

(This amendment strikes language in the enrolled bill regarding a study to develop standardized policies and procedures for involuntary mental commitments. The budget language conflicts with HB 2698 in several areas, including which Secretary will lead the study committee, which agencies comprise the committee, and reporting requirements and deadlines. With this change, the language of HB 2698 will govern the process.)

Governor's Reconvened Session Budget Amendments

Amendment # 28

Item 304

Health & Human Resources

Department For The Deaf And Hard-
Of-Hearing

Language

Language:

Page 308, line 12, after "positions" insert ", provided that the employment level does not increase the telecommunications relay surcharge on wireline telephones"

Explanation:

(This amendment specifies that the employment level for the Norton Relay Center will remain at 105 FTEs, provided that this employment level does not require an increase in the charge levied on all wireline telephones. At present, a \$.16 per line charge is levied on all wireline telephones statewide to provide relay service for the deaf and hard of hearing. If an employment level of 105 FTEs were to require an increase in the wireline charge, this language provides limited flexibility to adjust employment levels.)

Governor's Reconvened Session Budget Amendments

Amendment # 29

Item 325

Health & Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, line 4, after "thereafter.", strike "The final design of the program including"

Page 343, strike lines 5 through 10 and insert "No later than 10 days from the enactment of this act, the Department shall submit a report on the final main design components of the program to the Chairmen of the House Appropriations and Senate Finance Committees."

Explanation:

(This amendment corrects the deadline for the Department of Medical Assistance Services to have the final design of the Preferred Drug List program completed and a report submitted to the Chairmen of the House Appropriations and Senate Finance Committees no later than 10 days after the enactment of the 2003 Appropriation Act. The dates in the original language did not reflect that the budget bill may pass later than April 2, 2003. The amendment gives the agency time to prepare a report after the actual enactment.)

Governor's Reconvened Session Budget Amendments

Amendment # 30

Item 347

Health & Human Resources

Department Of Rehabilitative Services

Language

Language:

Page 365, line 3, strike "a minimum of" and insert, "an amount up to".

Explanation:

(This amendment corrects language to preserve the flexibility to fund Economic Development grants to be used for Long Term Employment Support Services through Employment Services Organizations. The enrolled budget would have required the agency to potentially exhaust all Economic Development funds which support grants to buy equipment for new employment opportunities for disabled individuals.)

Amendment # 31

Item 421

Public Safety

Division Of Institutions

Language

Language:

Page 430, strike lines 42 through 57.

Page 430, line 58, strike "2." and insert "H.".

Explanation:

(This amendment eliminates language which designates a facility to house sexually violent predators involuntarily committed to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. Senate Bill 1149 and House Bill 2445 which pertain to the program to involuntarily commit sexually violent predators do not require the designation of a correctional facility as provided in this language. A proposed amendment to Item 512 requires a report on short and long-term options for siting such a facility be provided to the Chairmen of the House Appropriations Committee and Senate Finance Committee.)

Governor's Reconvened Session Budget Amendments

Amendment # 32

Item 432

Public Safety

FY 02 - 03

FY 03 - 04

Department Of Criminal Justice
Services

\$0

\$520,000 GF

Language:

Page 436, line 43, strike "\$62,422,296" and insert "\$62,942,296"

Page 440, line 50, after "as are available" strike "is" and insert "and \$520,000 the second year from the general fund and \$1,560,000 the second year from such federal funds as are available are"

Explanation:

(This amendment provides the 25 percent matching funds required for localities to receive federal grants in FY 2004 to support drug court programs. Drug courts provide an alternative method of dealing with persons guilty of nonviolent drug possession offenses. They include the following characteristics: no active jail sentence for an offender; a requirement for the offender to participate in substance abuse treatment programs; a requirement for the offender to hold a job; a requirement for the offender to be intensively supervised by a probation and parole officer; and a requirement for the offender to appear in court before a judge on a regular basis for assessment of progress. Drug courts have proven to be a cost-effective alternative to incarceration for drug offenders. The state had previously provided grant funds to support drug courts around the state. Federal funds have been provided to help offset reductions in state funding to this program. In order to utilize these federal funds and reach 80 percent of the initial state funding level for this program, localities were required to provide matching funds. This amendment provides sufficient state funds to match the federal funding, ensuring this program is funded at 80 percent of its initial state funding level.)

Governor's Reconvened Session Budget Amendments

Amendment # 33

Item 432

Public Safety

FY 02 - 03

FY 03 - 04

Department Of Criminal Justice
Services

\$0

\$438,274 GF

Language:

Page 436, line 43, strike "\$62,422,296" and insert "\$62,860,570"

Page 441, line 2, after "as are available" strike "is" and insert "and \$438,274 the second year from the general fund and \$1,314,821 the second year from such federal funds as are available are"

Explanation:

(This amendment provides the 25 percent matching funds required for localities to receive federal grants in FY 2004 to support Pre-release and Post Incarceration Services (PAPIS). PAPIS programs provide services to persons prior to release and recently released from incarceration. Services include counseling, support groups, job search and placement, and substance abuse counseling. PAPIS programs have proven to be effective in providing services to persons prior to release or recently released from prison or jail, helping to reduce recidivism. The state had previously provided grant funds to support PAPIS programs. Federal funds have been provided to help offset reductions in state funding to this program. In order to utilize these federal funds and reach 80 percent of the initial state funding level for this program, localities and non-profit organizations were required to provide matching funds. This amendment provides sufficient state funds to match the federal funding, ensuring this program is funded at 80 percent of its initial state funding level.)

Governor's Reconvened Session Budget Amendments

Amendment # 34

Item 432

Public Safety

FY 02 - 03

FY 03 - 04

Department Of Criminal Justice
Services

\$0

\$223,000 GF

Language:

Page 436, line 43, strike "\$62,422,296" and insert "\$62,645,296"

Page 440, line 54, after "as are available" strike "is" and insert "and \$223,000 the second year from the general fund and \$669,000 the second year from such federal funds as are available are"

Explanation:

(This amendment provides the 25 percent matching funds required for localities to receive federal grants in FY 2004 to support Project Exile programs. By providing these matching funds, the Commonwealth is assisting localities in operating these programs. Under Project Exile, offenders who possess firearms during the commission of a crime are subject to minimum, mandatory sentences. This program has proven to be effective in getting guns off the street. The state had previously provided grant funds to localities to hire additional assistant commonwealth's attorneys to prosecute Project Exile cases. Federal funds have been provided to help offset reductions in state funding to this program. In order to utilize these federal funds and reach 80 percent of the initial state funding level for this program, localities were required to provide matching funds. This amendment provides sufficient state funds to match the federal funding, ensuring this program is funded at 80 percent of its initial state funding level.)

Governor's Reconvened Session Budget Amendments

Amendment # 35

Item 459

Public Safety

FY 02 - 03

FY 03 - 04

Department Of State Police

\$0

\$300,000

GF

\$0

\$1,200,000

NGF

Language:

Page 454, line 24, strike "\$151,704,319" and insert "\$153,204,319".

Page 456, after line 21, insert:

"H. Included in this item is \$1,500,000 to improve retention rates among state police officers. The Superintendent of State Police, in cooperation with the Director of the Department of Human Resource Management, shall prepare options for increasing the retention rates of state police officers. The Superintendent shall prepare and present a report on such options to the Secretary of Public Safety by June 1, 2003, for consideration by the Governor. Funding provided in this Item, along with any savings identified within the Department, may be used to implement options approved by the Governor. Prior to such implementation, the Secretary of Public Safety shall communicate the retention plan to the Chairmen of the Senate Finance and House Appropriations Committees.

I. The Department shall deposit to the general fund an amount estimated at \$100,000 in the second year resulting from fees generated by additional criminal background checks of local job applicants and prospective licensees collected pursuant to the passage of House Bill 2373."

Explanation:

(This amendment requires the Superintendent of State Police to develop a plan in conjunction with the Department of Human Resource Management that outlines options to increase retention rates among state police officers. It also provides \$1.5 million to implement such a plan. The amendment also provides for the deposit of additional revenue to the general fund from criminal background checks on certain local employees pursuant to House Bill 2373 of the 2003 Session. Upon adoption of this amendment, the general fund deposit of \$100,000 specified in paragraph I. of this Item will be added to the revenues in § 3 of the second enactment of this act.)

Governor's Reconvened Session Budget Amendments

Amendment # 36

Item 470

Technology

Innovative Technology Authority

Language

Language:

Page 465, line 13, strike "50.0" and insert "25.0"

Page 465, line 14, strike "75.0" and insert "50.0"

Page 465, line 15, after "2006," insert "75.0 percent by fiscal year 2007,"

Explanation:

(This amendment extends the phase-out of state funding support for the Authority until FY 2008 instead of FY 2007. This extension allows the Authority adequate time to establish a workable, self-funding mechanism. The general fund deposit of \$500,000 specified in subparagraph K.3 of this Item should be added to the revenues in § 3 of the second enactment of this act. This amount was inadvertently omitted from the revenues shown in the enrolled bill.)

Governor's Reconvened Session Budget Amendments

Amendment # 37

Item 471.10

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 466, line 25, strike “ The Governor shall also provide an operating”.

Page 466, strike lines 26 to 27.

Page 466, after line 32, insert:

“3. Beginning on October 1, 2003, and every quarter thereafter, the Governor shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Senate General Laws Committee, and the House Science and Technology Committee the status of implementation and cost savings initiatives, progress, risks, and memoranda of agreement between the Virginia Information Technologies Agency (VITA) and state agencies. The Governor shall also provide the chairmen with an operating plan for VITA by August 1, 2003.

4. By July 1, 2003, the Secretary of Technology shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Senate General Laws Committee, and the House Science and Technology Committee a prototype of the memorandum of agreement that is proposed to be used to guide the provision of information technology equipment and operating support by the Virginia Information Technologies Agency to each affected state agency.”

Page 466, strike lines 33 to 56.

Page 467, strike lines 1 to 23.

Explanation:

(This amendment provides that the Governor shall, beginning on October 1, 2003, report quarterly on the implementation and cost savings initiatives, progress, risks, and memoranda of agreement between VITA and state agencies. The Governor shall also provide by August 1, 2003, an operating plan for VITA. The Secretary of Technology shall provide by July 1, 2003, a prototype of the memorandum of agreement between VITA and the affected agencies.)

Governor's Reconvened Session Budget Amendments

Amendment # 38

Item 472

Transportation

Secretary Of Transportation

Language

Language:

Page 472, line 5, strike “and the Bridge”.

Page 472, line 6, strike “Replacement and Rehabilitation program”.

Page 472, after line 57, insert:

“i.1) In the second year, a minimum of 50 percent of the funds apportioned under federal law and available for obligation from the Bridge Replacement and Rehabilitation program shall be allocated and obligated as required by federal law to eligible bridge projects across the Commonwealth. If such funds are obligated to projects on the interstate system, they shall be treated the same as those federal funds included in paragraph A.1.a of this Item. Any remaining funds available for obligation from the Bridge Replacement and Rehabilitation Program shall be allocated through the state allocation formula set out in §33.1-23.1 B, Code of Virginia.

2) Prior to the 2004 Session of the General Assembly and after considering the recommendations of the HJR 211 Committee, the Secretary shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a proposal to ensure that all funds apportioned under federal law and available for obligation from the Bridge Replacement and Rehabilitation program are allocated and obligated as required by federal law to eligible bridge projects across the Commonwealth.”

Page 474, strike lines 37 through 59.

Page 475, line 1, strike "H." and insert "G."

Page 475, line 11, strike "I." and insert "H."

Explanation:

(This amendment clarifies language in the enrolled budget in order to provide maximum use of the federal bridge fund. This language change allows the bridge fund to be used on eligible bridge projects across the Commonwealth, including the interstate system, where the funding could be more fully utilized. Language in the

Governor's Reconvened Session Budget Amendments

enrolled budget required the Department of Transportation to allocate bridge funds through the state allocation formula, limiting its ability to fully utilize all available funding.)

Amendment # 39

Item 485

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 484, line 9, strike "July 1, 2003" and insert "30 days after enactment of this act".

Explanation:

(This amendment changes the deadline for Chesterfield County to participate in the operation of the Greater Richmond Transit Company (GRTC) service. The change in deadline will allow the Department of Rail and Public Transportation adequate time in awarding funds to all eligible programs. The Commonwealth Transportation Board is scheduled to vote on all awards at its June meeting, for programs starting July 1st.)

Governor's Reconvened Session Budget Amendments

Amendment # 40

Item 503

Central Appropriations

FY 02 - 03

FY 03 - 04

Central Appropriations

\$0 (\$2,361,557) GF

Language:

Page 501, line 4, strike "(\$27,414,252)" and insert "(\$29,775,809)".

Page 503, line 27, strike "E." and insert "E.1.".

Page 503, after line 38, insert:

"2. The Director, Department of Planning and Budget, shall withhold from agency general fund and nongeneral fund appropriations and transfer to this Item an amount estimated at \$2,361,557 the second year representing savings resulting from the reduction in rental rates for agencies located in the Capitol Square complex.

Notwithstanding any contrary provision of law, the State Comptroller shall transfer to the general fund of the state treasury, in a manner determined by the Director, Department of Planning and Budget, the nongeneral fund portion of the savings required by this subparagraph, estimated at \$556,329 the second year."

Explanation:

(This amendment continues the reduction in rent plan expenditures included in Item 503 and § 3-1.01, paragraph ZZ, of the enrolled bill for FY 2003 into FY 2004.

Specifically, this action provides a ten percent reduction in the rental rates charged by the Department of General Services (DGS) for office space in state-owned buildings at the seat of government. DGS collects rental payments from state agencies in exchange for services such as building maintenance, janitorial services, and utility payments. Agency rental charges will be reduced to correspond with reductions in these services. This amendment will not impact security at state office buildings.)

Governor's Reconvened Session Budget Amendments

Amendment # 41

Item 511

Central Appropriations

Central Appropriations

Language

Language:

Page 517, strike lines 20 through 33.

Page 517, line 34, strike "R" and insert "Q".

Explanation:

(This amendment removes the contingency language regarding the public employee salary increase. This action ensures that a 2.25 percent base salary increase for state employees, faculty, sheriffs and deputies, local social service employees, community service board employees, and other state-supported local employees will be provided.)

Governor's Reconvened Session Budget Amendments

Amendment # 42

Item 512

Central Appropriations

FY 02 - 03

FY 03 - 04

Central Appropriations

\$0

\$1,202,323 GF

Language:

Page 518, line 11, strike "\$22,803,518" and insert "\$24,005,841".

Page 523, after line 41, insert:

"P.1. Out of the general fund appropriation in this Item, \$1,202,323 the second year is provided for the implementation of a program for the civil commitment of sexually violent predators.

2. The Director, Department of Planning and Budget, is authorized to transfer from Item 331 to this Item, \$200,000 the first year and \$600,000 the second year, from amounts appropriated for the civil commitment of sexually violent predators.

3. The Director, Department of Planning and Budget, is further authorized to transfer from Item 421 to this Item, \$300,823 the first year and \$428,292 the second year, from amounts appropriated for the civil commitment of sexually violent predators.

4. The Secretaries of Finance, Health and Human Resources, and Public Safety, shall determine the appropriate allocation of the funds listed in this Paragraph, totaling \$2,731,438, for the purpose of implementing a program for the civil commitment of sexually violent predators pursuant to HB 2445 and SB 1149. The operating plan resulting from the allocation of these funds shall be reported to the Chairmen of the Senate Finance and House Appropriations Committees, along with short and long-term recommendations for siting a facility to house such persons."

Explanation:

(This amendment adds \$1,202,323 general fund to provide treatment and security that more closely approximates the requirements of a program for the civil commitment of sexually violent predators. The amendment also authorizes the transfer of other amounts appropriated for this purpose to Central Appropriations and directs the Secretaries of Finance, Health and Human Resources, and Public Safety to determine the appropriate allocation of these funds in a manner which best serves the implementation of a program for the civil commitment of sexually violent predators.)

Governor's Reconvened Session Budget Amendments

Amendment # 43

Item 512

Central Appropriations

Central Appropriations

Language

Language:

Page 518, after line 46, insert:

"4. To provide grants for technology research pursuant to § 2.2-2233.1, Code of Virginia."

Explanation:

(This amendment expands items the Governor can fund from economic contingency to include the Commonwealth Technology Research Fund. This will allow the Commonwealth to take advantage of matching research grants that may become available that promote economic development in the following fields: aerospace, biotechnology, energy, environmental and information technologies, high performance manufacturing, telecommunications, and transportation.)

Governor's Reconvened Session Budget Amendments

Amendment # 44

Item 512

Central Appropriations

Central Appropriations

Language

Language:

Page 522, line 52, strike "Equine" and insert "Horse".

Page 523, after line 4, insert "The Virginia Horse Center Foundation shall not be subject to the match provisions in § 4-5.07 of this act."

Page 523, line 5, strike "Equine" and insert "Horse".

Explanation:

(This amendment changes the designation of the organization to receive funds for the Virginia Horse Center from the Virginia Equine Center Foundation, which was in the enrolled bill, to Virginia Horse Center Foundation. The Virginia Horse Center Foundation is a § 501 (c) (3) organization. Questions have arisen about whether this grant represents a tax-supported debt obligation of the Commonwealth. The amendment clarifies the status of the grant. This amendment does not affect the amount, the conditions, or terms of the grant approved this session.)

Governor's Reconvened Session Budget Amendments

Amendment # 45

Item 512

Central Appropriations

Central Appropriations

Language

Language:

Page 518, line 18, strike "\$2,000,000" and insert "\$4,000,000".

Page 518, after line 46, insert:

"4. To provide a required match to a federal grant for the GEAR-UP program.

5. To provide funding for unbudgeted fuel or utility cost increases."

Explanation:

(This amendment increases the amount the Governor can allocate from the unappropriated balance for the Economic Contingency account. These funds will be made available to allow the Commonwealth to comply with federal regulations for the GEAR UP grant, and to address unbudgeted increases in fuel or utility costs. The federal government has recently indicated that matching funds for the GEAR UP program must be provided on a year-by-year basis. If this interpretation is sustained, Virginia would be forced to provide matching funds at that time or lose federal grant funds which have been committed. Virginia receives two federal dollars for every dollar it matches under this program. This amendment also provides authorization to use the additional Economic Contingency funding for unbudgeted fuel and utility costs in light of recent increases in these items and the uncertainty of the future impact of the Gulf War on them.)

Governor's Reconvened Session Budget Amendments

Amendment # 46

Item 512

Central Appropriations

Central Appropriations

Language

Language:

Page 523, after line 41, insert:

"P.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

a. Agencies in the Legislative and Judicial Departments;

b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the State Lottery Department, Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education."

Explanation:

(This amendment gives the Governor the authority to expend amounts from the

Governor's Reconvened Session Budget Amendments

unappropriated balance to cover unbudgeted costs incurred by the Commonwealth as a result of actions to enhance homeland security and combat terrorism. The amendment also authorizes the Governor to pay salary supplements to state classified employees ordered to active duty who, as a result of their military activation, earn less in salary and other associated stipends as compared to their salary as a state employee. The amendment language provides that any expenditures from this item be reported to the Chairmen of the House Appropriations and Senate Finance Committees.)

Amendment # 47

Item 513.10

Central Appropriations

Central Appropriations

Language

Language:

Page 525, line 10, strike "Departments" and insert "Department".

Page 525, strike line 11.

Page 525, line 12, strike "Manufacturing Extension Partnership, and" and insert ",".

Page 525, line 13, after "Board" insert "and any other appropriate entities to be determined as part of the development of the agency reorganization plan required by paragraph 1 above".

Explanation:

(This amendment removes the Department of Minority Business Enterprise and the A.L. Philpott Manufacturing Extension Partnership from the proposed merger of state agencies and other organizations into a single economic development agency within the Commerce and Trade Secretariat. The consolidation would include the Department of Business Assistance, the Virginia-Israel Advisory Board, and any other appropriate entities to be determined as part of the development of an agency reorganization plan. The amendment provides greater flexibility with respect to the merger of state agencies and other organizations into a single economic development agency within the Commerce and Trade Secretariat.)

Governor's Reconvened Session Budget Amendments

Amendment # 48

Item 2-0

Capital General Provisions

Capital Reversions

Language

Language:

Page 547, after line 33, Insert:

"995	16170	0100	\$314,000"
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Page 547, line 35, strike "\$97,112,125" and insert "\$97,426,125".

Explanation:

(This amendment reverts \$314,000 in general fund capital outlay balances from Central Necessary Repairs and Improvements, representing amounts previously obligated but no longer required.)

Governor's Reconvened Session Budget Amendments

Amendment # 49

Item C-125.30

Public Safety

Department Of State Police

Language

Language:

Page 586, after line 4, insert:

"§ 2-31.1. DEPARTMENT OF STATE POLICE (156)

C-125.30. The Department of State Police is hereby authorized to accept a donation of land of approximately 1.00 acre to relocate the Department of State Police's Clifton Forge Area Office, construction of which was authorized by Item C-184.40 of Chapter 814 of the 2002 Acts of Assembly. Upon acceptance of this gift, the Department is authorized to change the scope of the Clifton Forge Area Office capital project to reflect the new construction that will be required. Any additional costs for the increase in scope of this project shall be absorbed by the Department."

Explanation:

(This amendment provides the Department of State Police the authorization to accept a parcel of land as a gift. This 1.00 acre of land will be the site for the new State Police Clifton Forge Area Office. The new location is adjacent to I-64 and located in the Alleghany Regional Commerce Center. The Department is authorized to change the scope of the Clifton Forge Area Office project to reflect the construction of one of its prototype area office facilities. Any additional costs as a result of this change in scope are to be absorbed by the Department.)

Governor's Reconvened Session Budget Amendments

Amendment # 50

Item C-148.05

Transportation

Virginia Port Authority

Language

Language:

Page 589, line 18, strike "The" and insert:

"Funding for project 407-16644 is estimated to be \$42,500,000, and project 407-16961 is estimated to be \$7,500,000. The Department of Planning and Budget may increase the appropriation and transfer funds between these two projects, as needed."

Page 589, strike lines 19 through 21.

Explanation:

(This amendment clarifies funding for two capital projects that are part of Port Facilities Revenue Bonds and specifies the fund split between the projects. Without this clarification, use of proceeds issues could arise regarding the Virginia Port Authority's ability to utilize a portion of the \$50 million in revenue bonds authorized for the second phase of port facilities improvements for the construction of new security facilities.)

Governor's Reconvened Session Budget Amendments

Amendment # 51

Item C-148.15

Transportation

Virginia Port Authority

Language

Language:

Page 589, after line 26, insert:

"C-148.15. The Virginia Port Authority is authorized to purchase straddle carriers (407-16962) at a total estimated cost of \$7,000,000. The Authority may participate in the Master Equipment Lease Program for the purchase of the equipment. The annual lease payment, estimated at \$1,123,329, shall be paid from port special fund operating revenue (0200). The Director of the Department of Planning and Budget may establish a capital project for this equipment purchase."

Explanation:

(This amendment establishes a new capital project for the purchase of straddle carriers through the Master Equipment Lease Program. To help meet the demand of increased cargo traffic, the Virginia Port Authority has attempted to shift cargo between facilities. However, older equipment has restricted mobility and limited the Virginia Port Authority's efficiency. The Virginia Port Authority indicates it needs to purchase new straddle carriers at this time to meet workload demands.)

Governor's Reconvened Session Budget Amendments

Amendment # 52

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 607, line 29 strike "\$120,860,418" and insert \$121,320,418".

Page 608, line 10 strike "\$2,305,798" and insert \$2,765,798".

Page 609, line 24 strike "\$120,860,418" and insert \$121,320,418".

Explanation:

(This amendment transfers accumulated balances in the Library of Virginia from circuit court record fees, in order to restore a proposed reduction in the offices of circuit court clerks.)

Amendment # 53

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 612, after line 54, insert:

"JJJ. On or before June 30, 2003, the State Comptroller shall transfer \$3,200,000 to the general fund from the State Insurance Reserve Trust Fund at the Department of the Treasury".

Explanation:

(This amendment transfers a portion of the projected FY 2003 balance in the State Insurance Reserve Trust Fund to the general fund. The trust fund is projected to have sufficient balances at the end of FY 2003. The fund has sufficient cash to pay all claims and other expenses. In addition, a line of credit was established several years ago to meet any extraordinary claims expenses.)

Governor's Reconvened Session Budget Amendments

Amendment # 54

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 612, line 48, after "fund." strike the remainder of line 48.

Page 612, line 49, strike "Alcoholic Beverage Control Enterprise Fund to the general fund."

Explanation:

(This amendment eliminates the transfer of \$1,317,942 from the Alcoholic Beverage Control Enterprise Fund in the enrolled bill, which required an additional 10 percent reduction in the law enforcement activities of the ABC Department. With cuts already made to this program, this transfer would equate to a 20 percent reduction for the program. According to the ABC Department, a reduction of this magnitude would result in the reduction of up to 25 full-time and six part-time positions, along with district office closures. This would delay the issuance of licenses, reduce enforcement activities, and impede successful efforts to reduce underage drinking.)

Governor's Reconvened Session Budget Amendments

Amendment # 55

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 607, line 29, strike "\$120,860,418" and insert "\$119,860,418".

Page 609, line 20, strike "\$4,702,437" and insert "\$3,702,437".

Page 609, line 24, strike "\$120,860,418" and insert "\$119,860,418".

Explanation:

(This amendment reduces the transfer from the Aviation Special Fund for FY 2003. Funds are needed for security improvements at regional airports and routine, mandatory aircraft maintenance. Loss of these funds impedes the Department's ability to upgrade security at regional airports. Failure to provide mandatory maintenance would force the Commonwealth to ground the aircraft as unsafe to fly.)

Governor's Reconvened Session Budget Amendments

Amendment # 56

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 606, line 28, strike "K." and insert "K.1.".

Page 606, after line 31, insert subparagraph:

“2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.”

Explanation:

(This amendment provides the Governor the discretion to transfer watercraft sales and use tax collections, in excess of the official revenue forecast, to the Game Protection Fund. Budget cuts in 2002 reduced the transfer amount and the budget language prevents any excess revenue from being transferred. This amendment would provide the Governor with the ability to transfer any revenue collected, above forecast, to the Department.)

Governor's Reconvened Session Budget Amendments

Amendment # 57

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 604, line 29, strike "\$5,204,169" and insert "\$5,379,659".

Page 604, line 29, strike "\$5,777,588" and insert "\$6,165,362".

Explanation:

(This amendment reflects a revision to the Department of Taxation's estimate of local sales and use tax compliance costs. Costs associated with the compliance program are split between state and local funds. This amendment adjusts the local sales and use tax portion based on revised cost estimates following the addition of compliance positions in the enrolled bill.)

Amendment # 58

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 610, line 38, strike "\$4,200,000" and insert "\$4,360,000".

Page 610, line 39, strike "\$6,700,000" and insert "\$7,700,000".

Explanation:

(This amendment adjusts the revenue estimates for the Intensified Drug Enforcement Jurisdiction Fund(IDEA) fee increase to match actions included in the enrolled bill. The General Assembly added language in Items 32 F. and 33 E. of the enrolled bill, increasing the IDEA fee by \$2. §17.1-275.10 was also added as a ninth enactment to the enrolled bill codifying the \$2 increase. These two provisions have been interpreted by staff of the Supreme Court of Virginia as being cumulative, i.e. increasing the fee by \$4. This amendment increases the amount to be transferred to the general fund from the IDEA fund as a result of these increases.)

Governor's Reconvened Session Budget Amendments

Amendment # 59

Item 4-1.04

Appropriations

Appropriation Reductions

Language

Language:

Page 620, line 15, strike "a. During the period when the General".

Page 620, strike lines 16 through 34 and insert:

"a. During the period when the General Assembly is not in regular or special session and in the event that general fund revenues are estimated by the Governor to be insufficient to pay in full all general fund appropriations, including the currently estimated expenditures from sum sufficient appropriations, the Governor shall, subject to the qualifications herein contained, withhold general fund and nongeneral fund spending authority, by withholding allotments of appropriations to the extent necessary to prevent any expenditure in excess of the estimated general fund revenues. However, the Governor shall take no action to reduce general fund or nongeneral fund allotments of appropriations on account of reduced revenues until such time as a formal written re-estimate of general fund revenues for the current and next biennia in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b. The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by him, identified by agency, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. In the case of a condition or restriction specified in this act related to revenues or appropriations and which is in conflict with the approved plan of budget reduction, the Governor is authorized to waive such condition or restriction in the event that general fund or nongeneral fund revenues are insufficient to pay in full all appropriations pursuant to the preceding subparagraph a. The Governor shall report all conditions and restrictions which he waives to the Chairmen of the House Appropriations and Senate Finance Committees.

c. In addition to the budget reduction plan approved by the Governor, he shall submit a summary of any and all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet Secretaries, or the Chief of Staff, whether submitted electronically or otherwise, within ten days after he submits the written plan of budget reduction actions specified in the preceding

Governor's Reconvened Session Budget Amendments

subparagraph b. The summary shall specify by secretarial areas the dollar and personnel reductions proposed by the agencies."

Page 620, line 49, strike "State agencies".

Page 620, strike lines 50 through 54.

Explanation:

(This amendment modifies the provisions in the enrolled bill pertaining to the Governor's authority to withhold appropriations in the event of a decline in general fund revenues, so as to take into consideration executive privilege as applied to communications between the Governor and state agency heads. Additionally, the amendment requires the Governor to provide a summary of agency reduction plans within ten days after he submits his written plan of action to the General Assembly.)

Amendment # 60

Item 4-4.01

Capital Projects

General

Language

Language:

Page 635, line 21, after "agency", strike "," and insert "or".

Page 635, line 21, strike ", or affiliated".

Page 635, line 22, strike "foundation,".

Page 635, line 22, after "private entity", insert "or affiliated foundation".

Explanation:

(This amendment clarifies the language to remove the possibility of a financing agreement between an institution-affiliated foundation and a private entity from being subject to review by the Treasury Board. Such an agreement is between entities not part of state government and is not appropriate for review by the Treasury Board.)

Governor's Reconvened Session Budget Amendments

Amendment # 61

Item 4-5.06

**Special Conditions And Restrictions On
Expenditures**

Goods And Services

Language

Language:

Page 640, line 46, after "contract." insert "If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph b."

Explanation:

(This amendment clarifies authority delegated to the institutions of higher education to purchase motor vehicles by specifying that such purchases should be made at a similar cost to the Commonwealth utilizing statewide volume purchase contracts.)

Governor's Reconvened Session Budget Amendments

Amendment # 62

Item 4-5.08

**Special Conditions And Restrictions On
Expenditures**

Delegation Of Authority

Language

Language:

Page 644, line 14, after "2003.", strike the remainder of the line.

Page 644, strike line 15.

Page 644, line 19, strike "The responsible Cabinet Secretary" and insert "Institutions of higher education".

Page 644, line 19, after "understanding", insert "approved by the responsible Cabinet Secretary".

Page 644, line 44, after "5.", strike the remainder of the line.

Page 644, strike line 45.

Page 644, line 46, strike "October 1, 2003."

Explanation:

(This amendment provides the Governor's cabinet secretaries and institutions of higher education increased flexibility in the timing for the development and execution of memoranda of understanding involving delegated authorities.)

Governor's Reconvened Session Budget Amendments

Amendment # 63

Item 4-5.08

Special Conditions And Restrictions On Expenditures

Delegation Of Authority

Language

Language:

Page 643, strike lines 4 through 6, and insert:

"2. The University of Virginia and Virginia Polytechnic Institute and State University shall be delegated administrative authority to enter into capital leases on a pilot basis, provided that such capital leases have been specifically authorized by the Governor or the General Assembly pursuant to the Appropriation Act and have been reviewed and approved by the Treasury Board."

Explanation:

(This amendment is technical in nature and clarifies the purpose of this delegation.)

Amendment # 64

Item 4-6.01

Positions And Employment

Employee Compensation

Language

Language:

Page 652, after line 25, insert"

"Executive Director, Virginia Office of Protection and Advocacy \$0
\$95,000 \$97,138"

Explanation:

(This amendment provides the salary for the Executive Director of a new independent agency.)

Governor's Reconvened Session Budget Amendments

Amendment # 65

Item 4-7.01

Statewide Plans

Manpower Control Program

Language

Language:

Page 657, line 21, strike "quarterly" and insert "monthly, not later than ten days after the end of the month,"

Explanation:

(This amendment provides for monthly, rather than quarterly, employment reporting by the institutions of higher education, so as to be consistent with other state agencies and to permit the Governor and the General Assembly access to current personnel information.)

Amendment # 66

Item 4-8.03

Reporting Requirements

Revenues

Language

Language:

Page 659, after line 43, insert
"§ 4-8.03 REVENUES

The revenues in §3 of the second enactment of this act shall reflect amendments adopted by the General Assembly in the 2003 reconvened session."

Explanation:

(This amendment provides that the language amendments, Nos. 3, 25, 35, 36 and 48, specifying revenue totals be adjusted based on final actions of the General Assembly during the reconvened session. It is the intent of the General Assembly that the amounts on Page 1 of the bill be changed during the reenrolling of the bill to reflect such actions.)

Governor's Reconvened Session Budget Amendments

Amendment # 67

Item 4-12.00

Effective Date

Effective Date

Language

Language:

Page 661, line 17, after "follows", strike ":" and insert: "and provided that the fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11 shall not be in addition to the fee prescribed in Items 32, 33, 34 and 35 of this act."

Explanation:

(This amendment clarifies that the fee increase for driving under the influence is to be imposed only once. The staff of the Supreme Court has stated that the enactment of the fee increase both in the four appropriation items and in the ninth enactment could be construed as imposing the fee twice.)
